

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary Karlin Michelson, M.D.) Group Art Unit: (3764)
)
Serial No.: Cont. of 09/404,396)
) Examiner: (M. Brown)
Filed: July 31,2003)
)
For: Method for the Delivery of Electrical)
Current to Promote Bone Growth)
Between Adjacent Bone Masses)

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the filing of the above-referenced application.

Copies of the following listed documents are attached:

SW 106 101	DE 1961531
EP 0 179 695	DE 3101333
EP 0 260 044	DE 3132520
FR 2 581 336	DE 3505567

English translations and/or abstracts of the non-English documents are enclosed. Copies of the remaining listed documents were previously submitted or cited

in a prior application, serial no. 09/404,396, filed September 23, 1999, upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

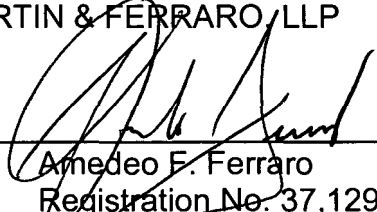
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: 7-31-03

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Substitute for FORM PTO-1449		Attorney Docket Number 101.0037-02000		Custom r No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary Karlin Michelson, M.D.		Application Number Cont. of 09/404,396	
(Use several sheets if necessary) Sheet <u>1</u> of <u>6</u>		Filing Date July 31,2003		Group Art Unit 3764	Examiner M. Brown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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	EBI Medical Systems, The Use of Direct Current for Electrically Induced Osteogenesis, The Positive Effect of an Electronegative Charge on Bone Growth," (1993).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.